

AN ORDINANCE TO AMEND THE CODE OF BRYAN COUNTY, GEORGIA, PART 1 “LOCAL ACTS” SUBPART A “GENERAL PROVISIONS” CHAPTER 22 “SOLID WASTE” ARTICLE II “LITTER CONTROL AND SOLID WASTE MANAGEMENT” IN ORDER TO AMEND SECTION 22-19 – DEFINITIONS - TO REVISE THE DEFINITIONS FOR DUMPSTER, GARBAGE, AND RUBBISH; TO ADD DEFINITIONS FOR INOPERABLE MOTOR VEHICLE, AND IPMC; AND TO DELETE THE DEFINITIONS FOR JUNKED VEHICLE AND MONITOR; SECTION 22-20 – PURPOSE - TO ADD SUBSECTION NUMBERING AND TO ADD A SUBSECTION TO ADDRESS CONFLICTS WITHIN CODE SECTIONS; SECTION 22-22 – ENFORCEMENT - TO DELETE SUBSECTION (A)(2); SECTION 22-27 – PRACTICES AND PROCEDURES (G) – JUNK AND (H) INOPERABLE VEHICLES TO DELETE A REFERENCE TO JUNKED MOTOR VEHICLE AND ADD A SUBSECTION FOR INOPERABLE MOTOR VEHICLES; SECTION 22-32 – TREES SHRUBBERY BRANCHES, ETC. TO ADDRESS PROPER DISPOSAL OF LANDSCAPE MATERIAL; SECTION 22-46 – COMMUNITY HEALTH AND WELFARE – (B)(2) -TRASH AND WEEDS – TO CLARIFY MAXIMUM HEIGHT FOR WEEDS AND PLANT GROWTH; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

SECTION ONE

WHEREAS, the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. §12-8-20, *et. seq.*, and O.C.G.A §16-7-42, *et. seq.*, (litter control) permits local jurisdiction to regulate the disposal of solid waste and to prevent littering; and

WHEREAS, the Bryan County Board of Commissioners (“BOC”) have previously enacted Chapter 22 “Solid Waste” Article II “Litter Control and Solid Waste Management,” and the BOC has determined this ordinance should be amended to protect the public health, safety, and welfare;

NOW THEREFORE, Chapter 22 - Solid Waste, Article II – Litter Control and Solid Waste Management is hereby amended as follows:

SECTION TWO

SECTION 22-19 DEFINITIONS

To add definitions for “Inoperable Motor Vehicle” and “IPMC” subsequent to “Industrial Waste” and prior to “Junked vehicles” to read as follows:

Inoperable Motor Vehicle means an inoperable motor vehicle as that term is defined in Sec. 202 of the IPMC.

IPMC means the International Property Maintenance Code as referred to in Chapter 102 and Section 103-21(j) of this Code.

To delete the definition for “Junked Vehicles” in its entirety.

To delete the definition for “Monitor” in its entirety.

To modify the following definitions to read as follows:

Dumpster means a bulk container used for the collection of garbage, refuse, trash and litter. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Garbage means the byproduct of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gasses or odors, or which, during or after decay, may serve as breeding or feeding material for flies, insects or animals, including “Garbage” as that term is defined in Sec. 202 of the IPMC.

Rubbish includes waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal cans, glass, packing material and similar material and includes “Rubbish” as that term is defined in Sec. 202 of the IPMC.

SECTION 22-20 – PURPOSE

To repeal and replace Sec. 22-20 to now read as follows:

Sec. 22-20 – Purposes and Conflicts

- (a) *Purposes.* The purposes of this article are to protect the public health, safety and welfare of the citizens of the County, to protect the environment, to enhance the physical quality of life in the County, and to contribute by these efforts to improving the quality of life in the County and enhancing the natural beauty of our state and county by establishing minimum standards for the storage, collection, transportation and disposal of solid wastes that originate in the County, or which originate outside of the county but are stored, transported or disposed of with the County, and by establishing the mechanism by which these standards are enforced. While this article addresses some matters that are also addressed in the International Property Maintenance Code (“IPMC”) as adopted in Chapter 102 of this Code, the purpose of the IPMC is to protect the health safety and welfare relating to the occupancy of structures and premises, and the purposes of this article are more expansive as set forth above.
- (b) *Conflicts.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. When, in a specific case, different sections of this Code are applicable, the most restrictive requirement shall apply.

SECTION 22-22 – ENFORCEMENT

To delete paragraph (2) in its entirety of Sec. 22-22(a) – Enforcing Officer- and renumber subsequent paragraph as follows:

~~(2) The board of commissioners shall name a person(s) to be a monitor. Such monitor shall patrol inspect and monitor dumpster and container sites to ensure compliance with this article. The monitor(s) shall report their findings to the code enforcement officer described in subsection (a)(1) of this section.~~

(3-2) The code enforcement officer, the sheriff and any deputy of the county sheriff's office shall be authorized to issue citations to violators of any provision of this article or to the owner or any other person who may be in possession of any property upon which any

condition exists which constitutes a violation of any provision of this article. Such citation shall be on a form approved for such use by the board of commissioners and shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the representative of the county who completes and serves it.

SECTION 22-27 – PRACTICES AND PROCEDURES

To amend 22-27(g) – Junk - by deleting “junked motor vehicle” from the first sentence. The first sentence now reads as follows:

Junk. It shall be unlawful for any person to place or leave outside any building or dwelling, any dilapidated furniture, appliances, machinery, equipment, building material, or other item which in a partially rusted, wrecked, junked, dismantled, or inoperative condition, and which is not completely enclosed within a building or dwelling.

To add a new subparagraph (h) “Inoperable Motor Vehicle” to Sec. 22-27 and amend the subsequent paragraph alphabetization to now read as follows:

(h) *Inoperable Motor Vehicle.* Section 302.8 of the IPMC, as adopted in Chapter 102 and Sec. 103-21(j) of this Code, is incorporated as if fully set forth herein. Any inoperable motor vehicle which remains on the property of the occupant for a period of 30 days after notice of violation of this article shall be presumed to be abandoned and subject to being removed from the property by the County without further notice. The County may charge the owner or occupant a fee for the cost of removing said inoperable motor vehicle.

(i) *Scavenging.* No person shall disturb or interfere with any container used for the purpose of storing solid wastes pending its collection or remove any contents therefrom or remove such container from its location.

(j) *Scattering of solid wastes and littering.* It shall be unlawful for any person to:

- (1) Throw or deposit any solid wastes on any public or private street or to scatter such solid wastes or litter on public or private property;
- (2) Throw or deposit any solid wastes, trash, or debris in any marsh area, stream, drainage ditch, body of water or beach area.

SECTION 22-32 – TREES, SHRUBBERY BRANCHES, ETC.

Amend subsection Sec. 22-32 to add an additional sentence. The section now reads as follows:

Trees and shrubbery branches, limbs and trimmings cut by landscape or tree service contractors or other commercial workmen or resulting from land being cleared shall be composted on the owner's premises in conformity with this article and any applicable state law or collected and removed by those who have performed the work or shall be removed by the person for whom the work was performed. If removed from the owner's premise, the landscape materials must be disposed of at an approved landfill facility.

SECTION 22-46 – COMMUNITY HEALTH AND WELFARE

To modify Sec. 22-46(b)(2) – Trash and Weeds to now read as follows:

(2) Within the County, it shall be unlawful for any person to maintain, cause or permit uncut grass or weeds on any property on which is located a residential dwelling or commercial establishment or vacant property intended for such use under such circumstances that the grass or weeds become a breeding place for insects, rodents or reptiles, or constitute a fire hazard, notwithstanding the maximum permissible height for weeds and plant growth in IPMC Sec. 302.4.

SECTION THREE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION FOUR

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FIVE

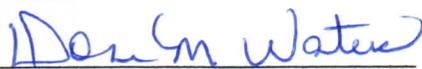
This ordinance shall become effective immediately upon its adoption by the Bryan County Board of Commissioners.

SO ORDAINED, this 12 day of May, 2020.



Chairman Carter Infinger
Bryan County Board of Commissioners

ATTEST



Donna Waters
County Clerk

